

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Insight Consulting Group of Kansas City, LLC)	File No.: EB-10-KC-0122
)	NAL/Acct. No.: 201132560005
Kansas City, MO)	FRN: 0018534495
)	

FORFEITURE ORDER

Adopted: March 23, 2012

Released: March 23, 2012

By the Regional Director, South Central Region, Enforcement Bureau:

I. INTRODUCTION

1. In this Forfeiture Order (Order), we issue a monetary forfeiture in the amount of sixteen thousand dollars (\$16,000) to Insight Consulting Group of Kansas City, LLC (Insight), operator of an Unlicensed National Information Infrastructure (U-NII) transmission system in Kansas City, Missouri for willful and repeated violation of Section 301 of the Communications Act of 1934, as amended (Act) and Section 15.1(b) of the Commission's rules (Rules).¹ The noted violations involved Insight's operation of intentional radiators not in accordance with Part 15 of the Rules² and without a license.

II. BACKGROUND

2. On July 29, 2011, the Enforcement Bureau's Kansas City Office (Kansas City Office) issued a Notice of Apparent Liability for Forfeiture (NAL)³ to Insight for operation of intentional radiators not in accordance with Part 15 of the Rules and without a license. As discussed in detail in the NAL, agents from the Kansas City Office determined that Insight operated two U-NII transmitters on frequencies for which they were not authorized, in violation of the devices' equipment authorization, and thereby requiring a license.⁴ In view of the record evidence and the fact that Insight's unlicensed operations caused interference to the Federal Aviation Administration's Terminal Doppler Weather Radar installation serving the Kansas City International Airport, the NAL proposed a \$17,000 forfeiture against Insight for violation of Section 301 of the Act.⁵ Insight submitted documentation of its finances and requested reduction of the proposed forfeiture.⁶

¹ 47 U.S.C. § 301; 47 C.F.R. § 15.1(b).

² 47 C.F.R. §§ 15.1 *et seq.*

³ *Insight Consulting Group of Kansas City, LLC*, Notice of Apparent Liability for Forfeiture, 26 FCC Rcd 10699 (Enf. Bur. 2011).

⁴ *Id.* A comprehensive recitation of the facts and history of this case can be found in the NAL and is incorporated herein by reference.

⁵ *Id.* at 2480.

⁶ Email from Lewis H. Goldman, P.C., Attorney for Insight, to Diane Law-Hsu, Regional Counsel, South Central Region, Enforcement Bureau (Oct. 5, 2011 4:20 P.M. EST).

III. DISCUSSION

3. The proposed forfeiture amount in this case was assessed in accordance with Section 503(b) of the Act,⁷ Section 1.80 of the Rules,⁸ and the *Forfeiture Policy Statement*.⁹ In examining Insight's response, Section 503(b) of the Act requires that the Commission take into account the nature, circumstances, extent, and gravity of the violation and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other such matters as justice may require.¹⁰ As discussed below, we have considered Insight's response in light of these statutory factors, and we reduce the forfeiture to \$16,000 based solely on its documented inability to pay.

4. As set forth in the *NAL*, agents from the Kansas City Office determined that Insight operated two U-NII transmitters on frequencies for which the devices were not authorized on February 4 and 28, 2011.¹¹ Accordingly, because Insight's operations were not consistent with the devices' equipment authorization and Part 15 of the Rules, its operations required a license. In its response to the *NAL*, Insight does not deny any of these facts. Accordingly, we find that Insight willfully and repeatedly violated Section 301 of the Act and Section 15.1(b) of the Rules by operating unlicensed radio transmitters.

5. With regard to an individual or entity's inability to pay claim, the Commission has determined that, in general, gross revenues are the best indicator of an ability to pay a forfeiture.¹² Based on the financial documents and other materials provided by Insight, we find sufficient basis to reduce the forfeiture to \$16,000.¹³

IV. ORDERING CLAUSES

6. Accordingly, **IT IS ORDERED** that, pursuant to Section 503(b) of the Communications Act of 1934, as amended, and Sections 0.111, 0.204, 0.311, 0.314, and 1.80(f)(4) of the Commission's rules, Insight Consulting Group of Kansas City, LLC **IS LIABLE FOR A MONETARY FORFEITURE** in the amount of sixteen thousand dollars (\$16,000) for violations of Section 301 of the Act and Section 15.1(b) of the Commission's rules.¹⁴

7. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the Rules within thirty (30) calendar days of the release of this Order. If the forfeiture is not paid within the period specified, the case may be referred to the Department of Justice for enforcement pursuant to Section 504(a) of the Act.¹⁵ Payment of the forfeiture must be made by check or similar instrument,

⁷ 47 U.S.C. § 503(b).

⁸ 47 C.F.R. § 1.80.

⁹ *The Commission's Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*, Report and Order, 12 FCC Rcd 17087 (1997), *recon. denied*, 15 FCC Rcd 303 (1999) (*Forfeiture Policy Statement*).

¹⁰ 47 U.S.C. § 503(b)(2)(E).

¹¹ *NAL* at 10700-10701.

¹² See *PJB Communications of Virginia, Inc.*, Forfeiture Order, 7 FCC Rcd 2088, 2089 (1992) (forfeiture not deemed excessive where it represented approximately 2.02 percent of the violator's gross revenues); *Local Long Distance, Inc.*, Forfeiture Order, 16 FCC Rcd 24385 (2000) (forfeiture not deemed excessive where it represented approximately 7.9 percent of the violator's gross revenues); *Hoosier Broadcasting Corporation*, Forfeiture Order, 15 FCC Rcd 8640 (2002) (forfeiture not deemed excessive where it represented approximately 7.6 percent of the violator's gross revenues).

¹³ This forfeiture amount falls within the percentage range that the Commission has previously found acceptable. See *supra* note 12.

¹⁴ 47 U.S.C. §§ 301, 503(b); 47 C.F.R. §§ 0.111, 0.204, 0.311, 0.314, 1.80(f)(4), 15.1(b).

¹⁵ 47 U.S.C. § 504(a).

payable to the order of the Federal Communications Commission. The payment must include the NAL/Account Number and FRN referenced above. Payment by check or money order may be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000. Payment by overnight mail may be sent to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101. Payment by wire transfer may be made to ABA Number 021030004, receiving bank TREAS/NYC, and account number 27000001. For payment by credit card, an FCC Form 159 (Remittance Advice) must be submitted. When completing the FCC Form 159, enter the NAL/Account number in block number 23A (call sign/other ID), and enter the letters “FORF” in block number 24A (payment type code). Requests for full payment under an installment plan should be sent to: Chief Financial Officer – Financial Operations, 445 12th Street, S.W., Room 1-A625, Washington, D.C. 20554. Please contact the Financial Operations Group Help Desk at 1-877-480-3201 or Email: ARINQUIRIES@fcc.gov with any questions regarding payment procedures. Insight shall also send electronic notification on the date said payment is made to SCR-Response@fcc.gov.

8. **IT IS FURTHER ORDERED** that a copy of this Order shall be sent by both First Class and Certified Mail Return Receipt Requested to Insight Consulting Group of Kansas City, LLC at 600 E. Admiral Blvd., Suite 1201, Kansas City, MO 64106 and to its attorney, Lewis H. Goldman, P.C., 45 Dudley Court, Bethesda, MD 20814.

FEDERAL COMMUNICATIONS COMMISSION

Dennis P. Carlton
Regional Director, South Central Region
Enforcement Bureau